

REMARKS /ARGUMENTS

Claim Rejections Under 35 U.S.C. § 102(b)

On page 2 of the Office Action, Claims 1-9 and 21-23 have been rejected, under 35 U.S.C. § 102(b), as being anticipated by Cope EP 0 807 510 A1. For the reasons which follow, and based upon the Declaration of Inventor John Robert Patterson, a copy of which is attached hereto, Applicants respectfully traverse this rejection.

With reference now to the Examiner's rejection of Claims 10-20 of the present application, it is respectfully submitted that the reference cited by the Examiner (i.e., Cope EP 0 807 510 A1) does not anticipate the present invention as claimed.

The present invention relates, generally, to an extrudable powder blend composition. More particularly, as recited in independent Claim 1, the extrudable powder blend composition of the present invention comprises, among other things, (a) from 30 to 65 weight percent of at least one chlorinated vinyl resin; and (e) from 24 to 65 weight percent of at least one cellulosic material, based upon the total weight of the powder blend.

Two additional embodiments of the present invention are recited in independent Claims 7 and 21, each of which comprise a particular cellulosic material, i.e., wood flour, in a specified amount.

In particular, an alternative embodiment of the present invention, recited in independent Claim 7, relates to an extrudable free-flowing powder blend composition which comprises, among other things, (a) from 40 to 55 weight percent of at least one PVC resin; and (e) from 34 to 52 weight percent of at least one wood flour, based upon the total weight of the powder blend.

Still another embodiment of the present invention, recited in independent Claim 21, relates to a composite comprising an extrudable thermoplastic resin, and at least one capstock layer disposed thereon, the at least one capstock layer comprising an extrudable free-flowing powder blend composition. Moreover, as recited in Claim 21, the extrudable free-flowing powder blend composition comprises, among other things, (a) from 40 to 55 weight percent of at least one PVC resin; and (e) from 34 to 52 weight percent of at least one wood flour, based upon the total weight of the powder blend.

As noted in the specification of the present application (see page 1, lines 24-31), the present invention addresses a problem in the field of polyvinyl chloride ("PVC") compositions whereby it has not previously been possible to add cellulosic material, such as wood flour, to a PVC composition in an amount of more than about 20 weight percent, based on the total weight of the composition. This is because addition of more than about 20 weight percent wood flour negatively affects many of the processing and handling characteristics of the resin composite, including but not limited to powder flow, melt flow and melt strength. As discussed hereinabove, the present invention, as recited in each of independent Claims 1 and 7, provides an extrudable powder blend composition which comprises PVC resin and either from 24 to 65 weight percent of at least one cellulosic material (Claim 1), or from 34 to 52 weight percent of at least one wood flour (Claim 7), respectively. Similarly, the present invention, as recited in amended independent Claim 21, also provides a composite having a capstock layer which comprises an extrudable powder blend composition comprising PVC resin and from 34 to 52 weight percent of at least one wood flour.

With reference to Cope EP 0 807 510, it is respectfully noted that, although Cope teaches the preparation of an extrudable composite containing PVC, wood flour and various optional additives, the amount of wood flour in the PVC-containing composite is, at most, only about 17 weight percent of the total weight of the composition.

During the preparation of the present application, the inventors of the present invention considered the disclosure of U.S. Patent No. 5,847,016, which is the corresponding equivalent to Cope EP 0 807 510 cited by the Examiner. The foregoing statement that the composition disclosed in Cope includes no more than about 17 weight percent wood flour is stated at page 2, lines 10-12 of the present specification. In this regard, it is noted that the units stated in Cope to define the amounts of the various components of the composition of Cope are parts by volume, which cannot be directly compared to the units recited in the present application and claims, which are weight percent. Thus, in order to compare the disclosure of Cope with the powder blend prepared by the process of the present invention, it was necessary to convert units of parts by volume to weight percent. The inventors performed such conversion calculations, which are set forth and explained in greater detail in the Declaration of Inventor John Robert Patterson, which is attached hereto in support of this Amendment. As stated in the Declaration, the conversion calculations of the inventors show that the composition of Cope which includes PVC resin has, at most, about 17 weight percent wood flour, based upon the total weight of the composition. In the foregoing circumstances, Cope fails to address the problem which is addressed by the present invention, which is to produce an extrudable powder blend having PVC resin and more than about 20 weight percent wood flour.

By comparison, the extrudable powder blend composition of the present invention, as recited in independent Claims 1 and 7, and the composite which comprises the extrudable powder blend composition of the present invention, as recited independent Claim 21, comprise PVC resin and either from 24 to 65 weight percent cellulosic material, or from 34 to 52 weight percent wood flour, each of which is clearly greater than the 17 weight percent wood flour content achieved by Cope. Thus, it is respectfully submitted that Cope fails to disclose all of the features of the present invention, particularly, a higher wood flour content with PVC resin than previously achieved in the art.

In the foregoing circumstances, it is respectfully submitted that independent Claims 1, 7 and 21 are not anticipated by Cope and, therefore, that the claim rejections set forth in the Office Action have been overcome with respect to independent Claims 1, 7 and 21, as well as Claims 2-6, 8-9 and 22-23, which each depend directly or indirectly therefrom. It is believed that all of pending Claims 1-9 and 21-23 are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 112, second paragraph

On page 3 of the Office Action, Claims 1, 7 and 21 have been rejected, under 35 U.S.C. § 112, second paragraph, as being indefinite because the term “high molecular weight” is used in connection with the polymer processing aid and the Examiner considers this term to be relative. Applicants respectfully traverse this rejection based upon the further information and disclosure provided in the present specification. More particularly, the full paragraph in the middle of page 10 of the present specification clearly describes suitable high MW polymer processing aids as “having a molecular weight greater than 50,000 g/mol . . .”, and specific examples of suitable

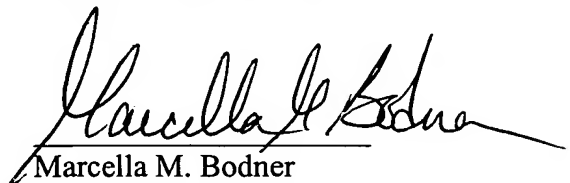
high MW polymer processing aids are also listed therein. Thus, it is respectfully submitted that persons of ordinary skill in the art would be readily able to determine which polymer processing aids would be suitable for use with the present invention as the "high molecular weight" polymer processing aid, without confusion or undue experimentation. In the foregoing circumstances, withdrawn of the foregoing rejection of Claims 1, 7 and 21 is respectfully requested.

Conclusion

In view of the foregoing remarks, re-examination and allowance of Claims 1-9 and 21-23 are respectfully requested. If, however, there remain any open issues which the Examiner believes can be resolved by a telephone call, the Examiner is cordially invited to contact the undersigned attorney.

No fees are believed to be due in connection with the submission of this Amendment. However, if any such fees, including petition or extension fees, are due, the Commissioner is hereby authorized to charge them, as well as to credit any overpayments, to **Deposit Account No. 18-1850**.

Respectfully submitted,



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